IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6666 of 2005(R)

PETITIONER:

K.VASUNDHARAN,
PRESIDENT (MEMBER NO.212), PERINGAMMALA HANDLOOM WEAVER'S CO-OPERATIVE SOCIETY NO.H-27,
PERINGAMMALA.

BY ADV. SRI.P.V.BABY.

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE PRINCIPAL SECRETARY TO GOVERNMENT INDUSTRIES (C) DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF HANDLOOM AND TEXTILES, HANDLOOM DIRECTORATE, VIKAS BHAVAN, THIRUVANANTHAPURAM(REGISTER OF HANDLOOM WEAVERS CO-OPERATIVE SOCIETIES).**

3. **THE KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD.,(HANTEX), REP. BY THE PRESIDENT, HANTEX BHAVAN, THIRUVANANTHAPURAM.**

W.P.(C). NO. 6666/2005:

4. S.B.ASOKAN, S/O.N.SUKUMARAN NAIR,
NOW WORKING AS MANAGING DIRECTOR,
KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE
SOCIETY, REGISTER H-332, P.B.NO.64,
THAMBANOOR, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER
SRI. M.K.CHANDRAMOHAN DAS, SC, HANDEX,
SRI.SUDHEER GANESH KUMAR.R.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.6666/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER G.O. (RT) 1256/2004/ID DTD. 23/12/2004 PASSED BY THE GOVERNMENT.

RESPONDENT'S EXHIBIT:

EXT.R4.A: COPY OF THE BYELAW OF HANTEX.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.6666 of 2005

Dated 28th February, 2007.

J U D G M E N T

The prayer is for implementation of Ext.P1 Government Order, in the matter of appointment to the post of Managing Director of Hantex. At paragraph 4 of the affidavit filed on behalf the first respondent, it is stated thus :-

> "There is no provision in the bye-law which requires that the Managing Director of Hantex should be an Officer not below the rank of Joint Director in the Industries Department. The Government passed Ext.P1 order without noticing this relevant provision in the bye-law of the Hantex. Therefore, the Government is taking steps to correct apparent mistake crept in Ext.P1, after due opportunity to the petitioner to raise their contentions in the matter."

Sri.P.V.Baby, learned counsel appearing for the petitioner submits that there is no mistake in Ext.P1 and Ext.P1 is fully in accordance with the bye-law. Be that as it may, since the Government itself proposes to consider the matter afresh, there will be a direction to the first respondent to pass appropriate orders as stated in the affidavit with notice to the petitioner and respondents 3 and 4, within a period of two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.